

MIDWEST OIL REFINING CO.

1900 WALTON ROAD
ST. LOUIS, MO 63114

REC'D

JAN 08 2003

RESP

DEDICATED TO CONSERVATION
RESOURCE RECOVERY &
ENVIRONMENT PROTECTION
SINCE 1936

(314) 427-2662
PRESIDENT
GLEN A. GETTINGER

January 3, 2003

Mr. Brian Mitchell, ARTD/RESP
U.S. Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Reg: WRITTEN USED OIL ANALYSIS PLAN

Dear Mr. Mitchell:

Enclosed please find Midwest Oil Refining Company "WRITTEN USED OIL ANALYSIS PLAN" and a copy of the documents used to construct this plan.

The plan was constructed by Shirley Schellman.

Documents used:

1. EPA 40 CFR PART 279.55
2. EPA 40 CFR PART 279.53
3. EPA 40 CFR PART 279.72
4. EPA 40 CFR PART 279.11

Midwest Oil Refining Company only recycles used oil, our customers include truck companies, bus garages, service stations, car repair shops and oil change companies. The two drivers that pick up the used oil have both been employed at Midwest Oil for over 25 years. There are only four employees at our facility, including the two drivers, all employees have been aware of our procedure for testing the oil and the labs where we send the samples for testing.

I have been maintaining a log of used oil shipments with a cross reference to the lab tests.

I have enclosed copies of our lab results to show the testing done at each lab.

I trust that the enclosed "WRITTEN USED OIL ANALYSIS PLAN" will cover the violation. I can be reached at (314) 427-2662.

Sincerely,

Shirley Schellman
Shirley Schellman

enc.



R00408644

RCRA RECORDS CENTER

Midwest Oil Refining Company
St. Louis, MO
MOD006290803
October 17, 2002 Inspection Date

Violation

Title 40 of the Code of Federal Regulation (40 CFR) 279.55 - Failure to have a written used oil analysis plan meeting the criteria listed at 40 CFR Part 279.55.

Requested Information

Midwest Refining Company must submit a copy of its used oil analysis plan within thirty (30) calendar days of receipt of this request.

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USED OIL ANALYSIS PLAN

CHECK OIL IN TANK AT EACH CUSTOMER:

USE YOUR KNOWLEDGE OF OIL
OR: USE A DEXIL CLOR-D-TECT-1000 CHLORINE HALOGEN TEST KIT
ALL NEW CUSTOMERS ARE TO BE CHECKED WITH A CLOR-D-TECT 1000 TEST KIT

AFTER OUR USED OIL TANK IS FULL:

GET 3 SAMPLES OF OIL --MARK SAMPLES WITH TANK I.D. AND DATE

SEND ONE SAMPLE TO:
DEXSIL CORP. (203)288-3509
ONE HAMDEN PARK DRIVE
HAMDEN, CT 06517

REQUEST A TOTAL HALOGEN TEST AND A P.C.B. TEST

SEND ONE SAMPLE TO:
ENGINEERED LUBRICANTS CO. (314) 872-9540
11525 ROCK ISLAND COURT
MARYLAND HEIGHTS, MO 63043-3597

REQUEST A HEAVY METALS TEST, A ARSENIC TEST AND A FLASH & FIRE TEST

KEEP ONE SAMPLE

WHEN LAB RESULTS ARE RECEIVED CHECK RESULTS AGAINST E. P. A # 279.11 USED OIL SPECIFICATION.

AFTER LAB RESULTS ARE CHECKED:

PUT TANK I.D.# AND LAB RESULTS DATE ON LIST OF TANKS TESTED AND READY TO BE SHIPPED

KEEP A LOG OF USED OIL SHIPMENTS

LOG SHOULD INCLUDE:

1. NAME OF COMPANY
2. ADDRESS OF COMPANY
3. QUANTITY OF USED OIL FUEL
4. DATE OF SHIPMENT
5. A CROSS-REFERENCE TO THE LAB TEST RESULTS FOR THE USED OIL

KEEP ALL RELATED PAPERS FOR 3 YEARS.

(f) *Labels.* (1) Containers and above-ground tanks used to store or process used oil at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."

(2) Fill pipes used to transfer used oil into underground storage tanks at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."

(g) *Response to releases.* Upon detection of a release of used oil to the environment not subject to the requirements of part 280, subpart F of this chapter which has occurred after the effective date of the authorized used oil program for the State in which the release is located, an owner/operator must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials; and
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(h) *Closure*—(1) *Aboveground tanks.* Owners and operators who store or process used oil in aboveground tanks must comply with the following requirements:

(i) At closure of a tank system, the owner or operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste under this chapter.

(ii) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in paragraph (h)(1)(i) of this section, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (§ 265.310 of this chapter).

(2) *Containers.* Owners and operators who store used oil in containers must comply with the following requirements:

(i) At closure, containers holding used oils or residues of used oil must be removed from the site;

(ii) The owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste under part 261 of this chapter.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26426, May 3, 1993]

§ 279.55 Analysis plan.

Owners or operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of § 279.53 and, if applicable, § 279.72. The owner or operator must keep the plan at the facility.

(a) *Rebuttable presumption for used oil in § 279.53.* At a minimum, the plan must specify the following:

(1) Whether sample analyses or knowledge of the halogen content of the used oil will be used to make this determination.

(2) If sample analyses are used to make this determination:

(i) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:

(A) One of the sampling methods in appendix I of part 261 of this chapter; or

(B) A method shown to be equivalent under §§ 260.20 and 260.21 of this chapter;

(ii) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and

(iii) The methods used to analyze used oil for the parameters specified in § 279.53; and

(3) The type of information that will be used to determine the halogen content of the used oil.

(b) *On-specification used oil fuel in § 279.72.* At a minimum, the plan must specify the following if § 279.72 is applicable:

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(1) Whether sample analyses or other information will be used to make this determination;

(2) If sample analyses are used to make this determination:

(i) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:

(A) One of the sampling methods in appendix I of part 261 of this chapter; or

(B) A method shown to be equivalent under § 260.20 and 260.21 of this chapter;

(ii) Whether used oil will be sampled and analyzed prior to or after any processing/re-refining;

(iii) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and

(iv) The methods used to analyze used oil for the parameters specified in § 279.72; and

(3) The type of information that will be used to make the on-specification used oil fuel determination.

§ 279.56 Tracking.

(a) *Acceptance.* Used oil processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

(1) The name and address of the transporter who delivered the used oil to the processor/re-refiner;

(2) The name and address of the generator or processor/re-refining from whom the used oil was sent for processing/re-refining;

(3) The EPA identification number of the transporter who delivered the used oil to the processor/re-refiner;

(4) The EPA identification number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent for processing/re-refining;

(5) The quantity of used oil accepted; and

(6) The date of acceptance.

(b) *Delivery.* Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may

take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

(1) The name and address of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;

(2) The name and address of the burner, processor/re-refiner or disposal facility who will receive the used oil;

(3) The EPA identification number of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;

(4) The EPA identification number of the burner, processor/re-refiner, or disposal facility who will receive the used oil;

(5) The quantity of used oil shipped; and

(6) The date of shipment.

(c) *Record retention.* The records described in paragraphs (a) and (b) of this section must be maintained for at least three years.

§ 279.57 Operating record and reporting.

(a) *Operating record.* (1) The owner or operator must keep a written operating record at the facility.

(2) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility;

(i) Records and results of used oil analyses performed as described in the analysis plan required under § 279.53; and

(ii) Summary reports and details of all incidents that require implementation of the contingency plan as specified in § 279.52(b).

(b) *Reporting.* A used oil processor/re-refiner must report to the Regional Administrator, in the form of a letter, on a biennial basis (by March 1 of each even numbered year), the following information concerning used oil activities during the previous calendar year:

(1) The EPA identification number, name, and address of the processor/re-refiner;

(2) The calendar year covered by the report; and

(3) The quantities of used oil accepted for processing/re-refining and the

(3) Time and type of incident (e.g., release, fire);

(4) Name and quantity of material(s) involved, to the extent known;

(5) The extent of injuries, if any; and

(6) The possible hazards to human health, or the environment, outside the facility.

(v) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the facility. These measures must include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.

(vi) If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(vii) Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

(viii) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(A) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed; and

(B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(C) The owner or operator must notify the Regional Administrator, and appropriate State and local authorities that the facility is in compliance with paragraphs (b)(6)(viii)(A) and (B) of this section before operations are resumed in the affected area(s) of the facility.

(ix) The owner or operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the

incident to the Regional Administrator. The report must include:

(A) Name, address, and telephone number of the owner or operator;

(B) Name, address, and telephone number of the facility;

(C) Date, time, and type of incident (e.g., fire, explosion);

(D) Name and quantity of material(s) involved;

(E) The extent of injuries, if any;

(F) An assessment of actual or potential hazards to human health or the environment, where this is applicable;

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26426, May 3, 1993]

\$ 279.53 Rebuttable presumption for used oil.

(a) To ensure that used oil managed at a processing/re-refining facility is not hazardous waste under the rebuttable presumption of § 279.10(b)(1)(ii), the owner or operator of a used oil processing/re-refining facility must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm.

(b) The owner or operator must make this determination by:

(1) Testing the used oil; or

(2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.

(c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subpart D of part 261 of this chapter. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter). EPA Publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh PA 15250-7954, (202) 512-1800 (document number 955-001-00000-1).

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(1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling agreement, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.

(2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

[57 FR 41612, Sept. 10, 1992, as amended at 59 FR 10560, Mar. 4, 1994]

\$ 279.54 Used oil management.

Used oil processor/re-refiners are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR part 112) in addition to the requirements of this subpart. Used oil processors/re-refiners are also subject to the Underground Storage Tank (40 CFR part 280) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subpart.

(a) *Management units.* Used oil processors/re-refiners may not store used oil in units other than tanks, containers, or units subject to regulation under part 264 or 265 of this chapter.

(b) *Condition of units.* Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must be:

(1) In good condition (no severe rusting, apparent structural defects or deterioration); and

(2) Not leaking (no visible leaks).

(c) *Secondary containment for containers.* Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

(i) Dikes, berms or retaining walls; and

(ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

(iii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

(d) *Secondary containment for existing aboveground tanks.* Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

(i) Dikes, berms or retaining walls; and

(ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

(iii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

(e) *Secondary containment for new aboveground tanks.* New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

(i) Dikes, berms or retaining walls; and

(ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

(iii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

than tanks, containers, or units subject to regulation under parts 264 or 265 of this chapter.

(b) *Condition of units.* Containers and aboveground tanks used to store oil at burner facilities must be:

(1) In good condition (no severe rusting, apparent structural defects or deterioration); and

(2) Not leaking (no visible leaks).

(c) *Secondary containment for containers.* Containers used to store used oil at burner facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

(i) Dikes, berms or retaining walls; and

(ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall.

(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

(d) *Secondary containment for existing aboveground tanks.* Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

(i) Dikes, berms or retaining walls; and

(ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

(iii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

(e) *Secondary containment for existing aboveground tanks.* New aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

(i) Dikes, berms or retaining walls; and

(ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

(iii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

(f) *Labels.* (1) Containers and aboveground tanks used to store used oil at burner facilities must be labeled or marked clearly with the words "Used Oil."

(2) Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil."

(g) *Response to releases.* Upon detection of a release of used oil to the environment not subject to the requirements of part 280 subpart F which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a burner must perform the following cleanup steps:

(1) Stop the release;

(2) Contain the released used oil;

(3) Clean up and manage properly the released used oil and other materials; and

(4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26426, May 3, 1993]

§ 279.65 Tracking.

(a) *Acceptance.* Used oil burners must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:

(1) The name and address of the transporter who delivered the used oil to the burner;

(2) The name and address of the generator or processor/re-refiner from

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whom the used oil was sent to the burner;

(3) The EPA identification number of the transporter who delivered the used oil to the burner;

(4) The EPA identification number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent to the burner;

(5) The quantity of used oil accepted; and

(6) The date of acceptance.

(b) *Record retention.* The records described in paragraph (a) of this section must be maintained for at least three years.

§ 279.66 Notices.

(a) *Certification.* Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide to the generator, transporter, or processor/re-refiner a one-time written and signed notice certifying that:

(1) The burner has notified EPA stating the location and general description of his used oil management activities; and

(2) The burner will burn the used oil only in an industrial furnace or boiler identified in § 279.61(a).

(b) *Certification retention.* The certification described in paragraph (a) of this section must be maintained for three years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor/re-refiner.

§ 279.67 Management of residues.

Burners who generate residues from the storage or burning of used oil must manage the residues as specified in § 279.10(e).

Subpart H—Standards for Used Oil Fuel Marketers

§ 279.70 Applicability.

(a) Any person who conducts either of the following activities is subject to the requirements of this subpart:

(1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or

(2) First claims that used oil that is to be burned for energy recovery meets

the used oil fuel specifications set forth in § 279.11.

(b) The following persons are not marketers subject to this subpart:

(1) Used oil generators, and transporters who transport used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner. However, processors/re-refiners who burn some used oil fuel for purposes of processing are considered to be burning incidentally to processing. Thus, generators and transporters who direct shipments of off-specification used oil to processor/re-refiners who incidentally burn used oil are not marketers subject to this Subpart;

(2) Persons who direct shipments of on-specification used oil and who are not the first person to claim the oil meets the used oil fuel specifications of § 279.11.

(c) Any person subject to the requirements of this Subpart must also comply with one of the following:

(1) Subpart C of this part—Standards for Used Oil Generators;

(2) Subpart E of this part—Standards for Used Oil Transporters and Transfer Facilities;

(3) Subpart F of this part—Standards for Used Oil Processors and Re-refiners; or

(4) Subpart G of this part—Standards for Used Oil Burners who Burn Off-Specification Used Oil for Energy Recovery.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26426, May 3, 1993]

§ 279.71 Prohibitions.

A used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner who:

(a) Has an EPA identification number; and

(b) Burns the used oil in an industrial furnace or boiler identified in § 279.61(a).

§ 279.72 On-specification used oil fuel.

(a) *Analysis of used oil fuel.* A generator, transporter, processor/re-refiner, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of

§279.11 by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications.

(b) *Record retention.* A generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the specifications for used oil fuel under §279.11, must keep copies of analyses of the used oil (or other information used to make the determination) for three years.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26426, May 3, 1993]

§279.73 Notification.

(a) *Identification numbers.* A used oil fuel marketer subject to the requirements of this subpart who has not previously complied with the notification requirements of RCRA section 3010 must comply with these requirements and obtain an EPA identification number.

(b) A marketer who has not received an EPA identification number may obtain one by notifying the Regional Administrator of their used oil activity by submitting either:

- (1) A completed EPA Form 8700-12; or
- (2) A letter requesting an EPA identification number. The letter should include the following information:

- (i) Marketer company name;
- (ii) Owner of the marketer;
- (iii) Mailing address for the marketer;
- (iv) Name and telephone number for the marketer point of contact; and
- (v) Type of used oil activity (i.e., generator directing shipments of off-specification used oil to a burner).

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 33342, June 17, 1993]

§279.74 Tracking.

(a) *Off-specification used oil delivery.* Any used oil marketer who directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

- (1) The name and address of the transporter who delivers the used oil to the burner;
- (2) The name and address of the burner who will receive the used oil;
- (3) The EPA identification number of the transporter who delivers the used oil to the burner;
- (4) The EPA identification number of the burner;
- (5) The quantity of used oil shipped; and
- (6) The date of shipment.

(b) *On-specification used oil delivery.* A generator, transporter, processor/re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under §279.11 must keep a record of each shipment of used oil to an on-specification used oil burner. Records for each shipment must include the following information:

- (1) The name and address of the facility receiving the shipment;
- (2) The quantity of used oil fuel delivered;
- (3) The date of shipment or delivery; and
- (4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under §279.72(a).

(c) *Record retention.* The records described in paragraphs (a) and (b) of this section must be maintained for at least three years.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26426, May 3, 1993]

§279.75 Notices.

(a) *Certification.* Before a used oil generator, transporter, or processor/re-refiner directs the first shipment of off-specification used oil fuel to a burner, he must obtain a one-time written and signed notice from the burner certifying that:

- (1) The burner has notified EPA stating the location and general description of used oil management activities; and
- (2) The burner will burn the off-specification used oil only in an industrial furnace or boiler identified in §279.61(a).

(b) *Certification retention.* The certification described in paragraph (a) of

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this section must be maintained for three years from the date the last shipment of off-specification used oil is shipped to the burner.

Subpart I—Standards for Use as a Dust Suppressant and Disposal of Used Oil

§279.80 Applicability.

The requirements of this subpart apply to all used oils that cannot be recycled and are therefore being disposed.

§279.81 Disposal.

(a) *Disposal of hazardous used oils.* Used oils that are identified as a hazardous waste and cannot be recycled in accordance with this part must be managed in accordance with the hazardous waste management requirements of parts 260 through 266, 268, 270 and 124 of this chapter.

(b) *Disposal of nonhazardous used oils.* Used oils that are not hazardous wastes and cannot be recycled under this part must be disposed in accordance with the requirements of parts 257 and 258 of this chapter.

§279.82 Use as a dust suppressant.

(a) The use of used oil as a dust suppressant is prohibited, except when such activity takes place in one of the states listed in paragraph (c) of this section.

(b) A State may petition (e.g., as part of its authorization petition submitted to EPA under §271.5 of this chapter or by a separate submission) EPA to allow the use of used oil (that is not mixed with hazardous waste and does not exhibit a characteristic other than ignitability) as a dust suppressant. The State must show that it has a program in place to prevent the use of used oil/hazardous waste mixtures or used oil exhibiting a characteristic other than ignitability as a dust suppressant. In addition, such programs must minimize the impacts of use as a dust suppressant on the environment.

(c) *List of States.* [Reserved]

PART 280—TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS (UST)

Subpart A—Program Scope and Interim Prohibition

Sec.

- 280.10 Applicability.
- 280.11 Interim prohibition for deferred UST systems.
- 280.12 Definitions.

Subpart B—UST Systems: Design, Construction, Installation and Notification

- 280.20 Performance standards for new UST systems.
- 280.21 Upgrading of existing UST systems.
- 280.22 Notification requirements.

Subpart C—General Operating Requirements

- 280.30 Spill and overfill control.
- 280.31 Operation and maintenance of corrosion protection.
- 280.32 Compatibility.
- 280.33 Repairs allowed.
- 280.34 Reporting and recordkeeping.

Subpart D—Release Detection

- 280.40 General requirements for all UST systems.
- 280.41 Requirements for petroleum UST systems.
- 280.42 Requirements for hazardous substance UST systems.
- 280.43 Methods of release detection for tanks.
- 280.44 Methods of release detection for piping.
- 280.45 Release detection recordkeeping.

Subpart E—Release Reporting, Investigation, and Confirmation

- 280.50 Reporting of suspected releases.
- 280.51 Investigation due to off-site impacts.
- 280.52 Release investigation and confirmation steps.
- 280.53 Reporting and cleanup of spills and overfills.

Subpart F—Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances

- 280.60 General.
- 280.61 Initial response.

part. The used oil is subject to the requirements of this part prior to the mixing of used oil with crude oil or natural gas liquids.

(2) Mixtures of used oil and crude oil or natural gas liquids containing less than 1% used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this part.

(3) Used oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this part provided that the used oil constitutes less than 1% of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this part.

(4) Except as provided in paragraph (g)(5) of this section, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of this part only if the used oil meets the specification of § 279.11. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this part.

(5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of this part. This exemption does not extend to used oil which is intentionally introduced into a hydrocarbon recovery system (e.g., by pouring collected used oil into the waste water treatment system).

(6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this part.

(h) *Used oil on vessels.* Used oil produced on vessels from normal shipboard operations is not subject to this part until it is transported ashore.

(i) *Used oil containing PCBs.* In addition to the requirements of 40 CFR part 279, marketers and burners of used oil who market used oil containing any quantifiable level of PCBs are subject to the requirements found at 40 CFR 761.20(e).

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26425, May 3, 1993; 59 FR 10559, Mar. 4, 1994; 59 FR 10559, Mar. 4, 1994; 61 FR 33693, June 28, 1996]

§ 279.11 Used oil specifications.

Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under this part unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in Table 1. Once used oil that is to be burned for energy recovery has been shown not to exceed any specification and the person making that showing complies with §§ 279.72, 279.73, and 279.74(b), the used oil is no longer subject to this part.

TABLE 1—USED OIL NOT EXCEEDING ANY SPECIFICATION LEVEL IS NOT SUBJECT TO THIS PART WHEN BURNED FOR ENERGY RECOVERY¹

Constituent/property	Allowable level
Arsenic	5 ppm maximum.
Cadmium	2 ppm maximum.
Chromium	10 ppm maximum.
Lead	100 ppm maximum.
Flash point	100 °F minimum.
Total halogens	4,000 ppm maximum. ²
NOTE: Applicable standards for the burning of used oil containing PCBs are imposed by 40 CFR 761.20(e).	

¹ The specification does not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste (see § 279.10(b)).

² Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under § 279.10(b)(1). Such used oil is subject to subpart H of part 266 of this chapter rather than this part when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26425, May 3, 1993]

§ 279.12 Prohibitions.

(a) *Surface impoundment prohibition.* Used oil shall not be managed in surface impoundments or waste piles unless the units are subject to regulation under parts 264 or 265 of this chapter.

DEXSIL CORPORATION
ANALYTICAL LABORATORY
ONE HAMDEN PARK DRIVE
HAMDEN, CT 06517
(203)288-3509

CERTIFICATE OF ANALYSIS

Midwest Oil Refining Co.
1900 Walton Rd.
St. Louis, MO 63114

ATTN: Shirley Schellman

Customer ID#: Tank NDO
DATS# 6901
Sales Order #:
Sample Type: Oil


CERTIFICATION:

Dexsil Corporation hereby certifies that the following sample, as received, was tested for the listed analytes using the noted method(s).

<u>Method</u>	<u>Analyte</u>	<u>Result</u>	<u>Detection Limit</u>
EPA 600/4-81-045	PCBs	none detected	1.0 ppm
EPA 5050/9056	Total Halogen	449 ppm	10 ppm

Samples Received:
12-20-02

Samples Analyzed:
12-20-02/12-24-02


Andrew C. Lynn, Chemist
12-24-02

Approved Public Health Laboratory # PH0529
ISO 9001 Registered Corporation 74 300 8501

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without the written approval of Dexsil Corporation.

LABORATORY REPORT

FROM ENGINEERED LUBRICANTS COMPANY



LABORATORY ANALYSIS RESULTS

Customer...: MIDWEST OIL REFINING COMPANY	Product.....:
Address....: ST. LOUIS, MO	Equipment....: SEE SAMPLE ID BELOW
Department:	Equipment No:
	Make.....:
	Model.....:
	System.....:

Test Number	New	826
Lab Number	(Typical)	0212-01331
Date of Sample		121902
Oil Addition		UNK
Last Drain Date		UNK
Months on Sample		
Last Filter Service		UNK

ICP - OILS (REPORTED IN PARTS PER MILLION)

Aluminum (Al)....:	13
Antimony (Sb)....:	<1
Cadmium (Cd)....:	<1
Chromium (Cr)....:	<1
Cobalt (Co)....:	<1
Copper (Cu)....:	46
Iron (Fe)....:	84
Lead (Pb)....:	24
Manganese (Mn)....:	<1
Molybdenum (Mo)....:	27
Nickel (Ni)....:	<1
Silver (Ag)....:	<1
Tin (Sn)....:	<1
Titanium (Ti)....:	<1
Vanadium (V)....:	<1
Barium (Ba)....:	36
Boron (B)....:	274
Calcium (Ca)....:	1406
Magnesium (Mg)....:	120
Phosphorus (P)....:	746
Silicon (Si)....:	26
Zinc (Zn)....:	779

ICP - ARSENIC - OILS (REPORTED IN PARTS PER MILLION)

Arsenic (As)....:	<1
-------------------	----

Comments: 826) TANK NDO

These laboratory test results are intended to be helpful and informative. They are based on our best experience, current industry testing procedures, and information provided with the sample, which we believe to be reliable. We cannot assume responsibility for any loss or accident that may result from use of the information given.

LABORATORY
REPORT

FROM ENGINEERED LUBRICANTS COMPANY



LABORATORY ANALYSIS RESULTS

Customer...: MIDWEST OIL REFINING COMPANY	Product.....:	
Address....: ST. LOUIS, MO	Equipment...: SEE SAMPLE ID BELOW	
Department:	Equipment No:	
	Make.....:	
	Model.....:	
	System.....:	
Test Number	New	826
Lab Number	(Typical)	0212-01331
Date of Sample		121902
Oil Addition		UNK
Last Drain Date		UNK
Months on Sample		
Last Filter Service		UNK

FLASH & FIRE POINTS (ASTM D92 CLEVELAND OPEN CUP)

Flash Point (F)...	270
Fire Point (F)...	308

Comments: 826) TANK NDO

These laboratory test results are intended to be helpful and informative. They are based on our best experience, current industry testing procedures, and information provided with the sample, which we believe to be reliable. We cannot assume responsibility for any loss or accident that may result from use of the information given.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

NOV 06 2002

MEMORANDUM

SUBJECT: Transmittal of Inspection Report - RCRA

FROM: Betty Berry, Chief
ENSV/ARCM *Berry*

TO: Diane Huffman, Chief
ARTD/RESP

REC'D
NOV 26 2002
RESP

This memorandum transmits the following inspection report conducted by the Environmental Services Division:

FACILITY: Midwest Oil Refining INSPECTION DATE: 10/17/2002 INSPECTION TYPE: CEI
ADDRESS: 1900 Walton Road INSPECTOR: Whiting- D ID NUMBER: MOD006290803
St. Louis SIC CODE: ACTIVITY NUMBER:
MO FACILITY ACTIVITY:

PRELIMINARY INSPECTION FINDINGS: NOV/NOPF ISSUED - No SNC - No

Tank farm containment system may not be "sufficiently impervious." No forma, written used oil analysis plan.

NOTE
COMMENTS: Replacement for A 1 Oil in Ballwin, MO

MIDWEST OIL DID NOT REPLACE A 1 OIL

MULTIMEDIA: 1) Screening done - Yes Screening forwarded - Yes Forwarded to: ☐ CAA
☐ CWA ☐ RCRA ☒ E/T ☐ UST ☐ CFC ☐ Wetlands ☐ SPCC ☐ UIC ☐ EJ ☐ PWS ☐ All

2) Inspection was part of a multimedia inspection with the following participating programs* -

* A=CAA, W=CWA, R=RCRA, T/E=TSCA/EPCRA, U=UST, C=CFC, U-I=UIC, S=SPCC, Wet.=Wetland, All

ENVIRONMENTAL JUSTICE: Inspection was conducted in EJ (per MM Screening Checklist) - No

SMALL BUSINESS REGULATORY ENFORCEMENT ACT (SBREFA): Information provided - Yes

Attachments